

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

CARBONLITE HOLDINGS LLC, *et al.*,¹

Debtors.

BAHRAM NOUR-OMID, an individual, and
LEARNICON LLC, a Delaware limited
liability company,

Plaintiffs,

v.

CARBONLITE HOLDINGS LLC, a
Delaware limited liability company, LF
INVESTMENT HOLDINGS, LLC, a
Delaware limited liability company, LEON
FARAHNIK, an individual, KIM JEFFERY,
an individual, FARAMARZ
YOUSEFZADEH, an individual, ORION
ENERGY CREDIT OPPORTUNITIES
FUND II, L.P., a Delaware limited
partnership, ORION ENERGY CREDIT
OPPORTUNITIES FUND II PV, L.P., a
Delaware limited partnership, ORION
ENERGY CREDIT OPPORTUNITIES
FUND II GPFA, L.P., a Delaware limited
partnership, FORCE TEN PARTNERS, LLC,
a Delaware limited liability company, BRIAN
WEISS, an individual, and DOES 1 through
50, inclusive,

Defendants.

Chapter 11

Case No. 21-10527 (JTD)

(Jointly Administered)

Adv. Proc. No. 21-50317 (JTD)

**CERTIFICATION OF COUNSEL REGARDING
ORDER ESTABLISHING BRIEFING SCHEDULE ON DEFENDANTS'
MOTIONS TO DISMISS THE FIRST AMENDED COMPLAINT**

¹ The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: CarbonLite Holdings LLC (8957); CarbonLite Industries LLC (3596); CarbonLite P Holdings, LLC (8957); CarbonLite P, LLC (5453); CarbonLite PI Holdings, LLC (8957); CarbonLite Pinnpack, LLC (8957); CarbonLite Recycling Holdings LLC (8957); CarbonLite Recycling LLC (3727); CarbonLite Sub-Holdings, LLC (8957); Pinnpack P, LLC (8322); and Pinnpack Packaging, LLC (9948). The address of the Debtors' corporate headquarters is 10250 Constellation Blvd., Los Angeles, CA 90067.

The undersigned counsel to plaintiffs Bahram Nour-Omid and Learnicon LLC (collectively, “Plaintiffs”) hereby certifies as follows:

1. On April 12, 2021, Plaintiffs commenced the above-captioned adversary proceeding (the “Adversary Proceeding”) by filing their *Complaint* [Adv. D.I. 1] (the “Original Complaint”).

2. On May 21, 2021, defendants Orion Energy Credit Opportunities Fund II, L.P., Orion Energy Credit Opportunities Fund II PV, L.P. and Orion Energy Credit Opportunities Fund II GPFA, L.P. (collectively, the “Orion Funds”) filed *Orion Energy Credit Opportunities Fund II, L.P., Orion Energy Credit Opportunities Fund II PV, L.P. and Orion Energy Credit Opportunities Fund II GPFA, L.P.’s Motion to Dismiss the Complaint* [Adv. D.I. 5-7].

3. On May 26, 2021, defendant CarbonLite Holdings LLC (“CarbonLite”) filed the *Motion of Debtor CarbonLite Holdings LLC to Dismiss Complaint or, Alternatively, to Stay this Litigation as to All Parties* [Adv. D.I. 10, 11].

4. On May 26, 2021, defendants Kim Jeffery and Faramarz Yousefzadeh (the “Director Defendants”) filed the *Motion of Director Defendants Kim Jeffery and Faramarz Yousefzadeh to Dismiss Complaint or, Alternatively, to Stay this Litigation as to All Parties* [Adv. D.I. 12, 13].

5. On May 26, 2021, defendants LF Investment Holdings, LLC and Leon Farahnik (collectively, the “LF Defendants”) filed the *Motion of LF Investments Holdings, LLC and Leon Farahnik to Dismiss Complaint or, Alternatively, to Stay this Litigation* [Adv. D.I. 14, 15].

6. On June 4, 2021, defendants Force Ten Partners, LLC and Brian Weiss (the “Force Ten Defendants”) filed the *Joinder of Force Ten Partners, LLC and Brian Weiss to the Motions to Dismiss the Complaint Filed by the Other Defendants and/or, Alternatively, to Stay this Litigation as to All Parties* [Adv. D.I. 22].

7. On June 9, 2021, Plaintiffs filed their *First Amended Complaint* [Adv. D.I. 24] (the “FAC”).

8. On June 15, 2021, CarbonLite filed the *Supplemental Motion of Debtor CarbonLite Holdings LLC to Dismiss First Amended Complaint or, Alternatively, to Stay this Litigation as to All Parties* [Adv. D.I. 30].

9. On June 17, 2021, the Director Defendants filed the *Supplemental Motion of Director Defendants Kim Jeffery and Faramarz Yousefzadeh to Dismiss Complaint or, Alternatively, to Stay this Litigation as to All Parties* [Adv. D.I. 34, 35].

10. On June 23, 2021, the LF Defendants filed the *Supplemental Motion of LF Investment Holdings, LLC and Leon Farahnik to Dismiss Complaint or, Alternatively, to Stay this Litigation* [Adv. D.I. 46].

11. On June 22, 2021, the Court held a status conference in the Adversary Proceeding and established a briefing schedule with respect to defendants’ motions to dismiss the FAC, which schedule is set forth in the proposed order (the “Proposed Order”) attached hereto as **Exhibit A**.

WHEREFORE, Plaintiffs respectfully request that the Court enter the Proposed Order at the Court’s earliest convenience.

[SIGNATURE PAGE FOLLOWS]

Dated: June 29, 2021
Wilmington, Delaware

BARNES & THORNBURG LLP

/s/ Kevin G. Collins

Thomas E. Hanson, Jr. (DE No. 4102)

Kevin G. Collins (DE No. 5149)

1000 N. West Street, Suite 1500

Wilmington, DE 19801

Telephone: (302) 300-3447

Facsimile: (302) 300-3456

Email: thanson@btlaw.com

Email: kevin.collins@btlaw.com

-and-

Sanford L. Michelman

Mona Z. Hanna (admitted *pro hac vice*)

Howard I. Camhi (admitted *pro hac vice*)

Alexander R. Safyan (admitted *pro hac vice*)

MICHELMAN & ROBINSON, LLP

10880 Wilshire Blvd., 19th Floor

Los Angeles, CA 90024

Telephone: (310) 299-5500

Facsimile: (310) 299-5600

Email: smichelman@mrlp.com

mhanna@mrlp.com

hcamhi@mrlp.com

asafyan@mrlp.com

*Counsel for Plaintiffs Bahram Nour-Omid
and Learnicon LLC*